

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BARBARA S. COX,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 12-65-GPM
)	
CAROLYN W. COLVIN, Commissioner of)	
Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

MURPHY, District Judge:

Plaintiff Barbara S. Cox filed her complaint against Defendant on January 20, 2012, appealing the final decision of the Commissioner of Social Security to deny her Social Security Disability Insurance Benefits and Supplemental Security Income payments (Doc. 2). On March 25, 2013, the Court reversed the decision of the Administrative Law Judge (ALJ) and remanding for further proceedings (Doc. 25). Now before the Court is Ms. Cox's May 21, 2013 motion for attorney fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (Docs. 27, 28). Defendant responded in opposition to the motion and Plaintiff replied to that response (Docs. 32, 33).

"The EAJA provides that a court must award fees and costs incurred by the prevailing party unless the position of the United States was substantially justified or that special circumstances make the award unjust." *Owner-Operator Independent Drivers Ass'n, Inc. v. Federal Motor Carrier Safety Admin.*, 675 F.3d 1036, 1038 (7th Cir. 2012). Ms. Cox was the prevailing party

here, and given the Court's finding that the ALJ failed to articulate his reasoning for discounting the opinion of the treating physician, the Court does not find that the position of Defendant was substantially justified. The Court credits Plaintiff's argument for fees in her motion and reply (Docs. 28, 33) and finds EAJA fees and costs are appropriate here, and the cost of living adjustments cited by Plaintiff are warranted.

Plaintiff's motion for fees and costs pursuant to the EAJA is therefore **GRANTED** and Defendant shall pay attorney fees in the total amount of **\$8,961.35** plus **\$350.00** in costs.

IT IS SO ORDERED.

DATED: July 25, 2013

/s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge